

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 4810-01
Bill No.: HB 2145
Subject: Crimes and Punishment; Criminal Procedure
Type: Original
Date: February 28, 2020

Bill Summary: This proposal modifies the offense of tampering with a judicial officer.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2021	FY 2022	FY 2023
General Revenue	(\$15,965)	(\$39,082)	(\$53,152)
Total Estimated Net Effect on General Revenue	(\$15,965)	(\$39,082)	(\$53,152)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2021	FY 2022	FY 2023
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 5 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2021	FY 2022	FY 2023
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2021	FY 2022	FY 2023
Total Estimated Net Effect on FTE	0	0	0

Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$100,000 in any of the three fiscal years after implementation of the act.

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2021	FY 2022	FY 2023
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

§575.095 - Tampering with a judicial officer

Officials from the **Department of Corrections (DOC)** state this proposal modifies the offense of tampering with a judicial officer, by expanding the definition of judicial officer to include a current or former judge. This has the potential impact of creating a new class D felony offense.

In FY 2019, there were three new admissions for violation of section 575.095 as a class D felony. For each new class D felony, the department estimates three people will be sentenced to prison and five to probation. The average sentence for a non-violent class D felony offense is 5 years, of which 2.8 years will be served in prison with 1.7 years to first release. The remaining 2.2 years will be on parole. Probation sentences will be 3 years.

The cumulative impact on the department is estimated to be 8 additional offenders in prison and 16 on field supervision with a net population change of 24 offenders by FY 2023.

	# to prison	Cost per year	Total Costs for prison	# to probation & parole	Cost per year	Total cost for probation and parole	Grand Total - Prison and Probation (includes a 2% inflation)
Year 1	3	(\$6,386)	(\$15,965)	5	absorbed	\$0	(\$15,965)
Year 2	6	(\$6,386)	(\$39,082)	10	absorbed	\$0	(\$39,082)
Year 3	8	(\$6,386)	(\$53,152)	16	absorbed	\$0	(\$53,152)
Year 4	8	(\$6,386)	(\$54,215)	19	absorbed	\$0	(\$54,215)
Year 5	8	(\$6,386)	(\$55,299)	22	absorbed	\$0	(\$55,299)
Year 6	8	(\$6,386)	(\$56,405)	22	absorbed	\$0	(\$56,405)
Year 7	8	(\$6,386)	(\$57,533)	22	absorbed	\$0	(\$57,533)
Year 8	8	(\$6,386)	(\$58,684)	22	absorbed	\$0	(\$58,684)
Year 9	8	(\$6,386)	(\$59,858)	22	absorbed	\$0	(\$59,858)
Year 10	8	(\$6,386)	(\$61,055)	22	absorbed	\$0	(\$61,055)

Oversight does not have any information contrary to that provided by DOC. Therefore, Oversight will reflect DOC's impact for fiscal note purposes.

ASSUMPTION (continued)

Officials from the **Missouri Office of Prosecution Services (MOPS)** assume the proposal will have no measurable fiscal impact on MOPS.

Oversight notes the **Department of Public Safety - Missouri State Highway Patrol**, the **Office of State Courts Administrator**, and the **State Public Defender's Office** have each stated the proposal would not have a direct fiscal impact on their respective organizations. Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

<u>FISCAL IMPACT - State Government</u>	FY 2021 (10 Mo.)	FY 2022	FY 2023
GENERAL REVENUE FUND			
<u>Costs - DOC (\$575.095) Increased incarceration costs</u>	<u>(\$15,965)</u>	<u>(\$39,082)</u>	<u>(\$53,152)</u>
ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND	<u>(\$15,965)</u>	<u>(\$39,082)</u>	<u>(\$53,152)</u>
<u>FISCAL IMPACT - Local Government</u>	FY 2021 (10 Mo.)	FY 2022	FY 2023
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

FISCAL DESCRIPTION

This bill specifies that the offense of tampering with a judicial officer applies to current or former judicial officers and as a direct result of such officer's official duties.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Corrections
Department of Public Safety - Missouri State Highway Patrol
Missouri Office of Prosecution Services
Office of State Courts Administrator
State Public Defender's Office



Julie Morff
Director
February 28, 2020



Ross Strobe
Assistant Director
February 28, 2020